

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

IN RE:  
PHILLIP S. SNODDY AND RACHEL E.  
SNODDY

BCN#: 14-61514-RBC  
Chapter: 13

Debtors

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Wells Fargo Bank, NA  
or present noteholder,  
Movant/Secured Creditor,

MOTION FOR ORDER GRANTING  
RELIEF FROM AUTOMATIC STAY

v.  
PHILLIP S. SNODDY AND RACHEL E.  
SNODDY

Debtors

and  
HERBERT L BESKIN(82)

Trustee  
Respondents

Wells Fargo Bank, NA, and/or present noteholder, (Movant herein), alleges as follows:

1. The Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §157 and §1334; 11 U.S.C. §362.
2. The above named Debtors filed a Chapter 13 Petition in Bankruptcy with this Court on August 8, 2014.
3. Herbert L Beskin(82), Trustee, has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.
4. Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 583 JEFFERSON DRIVE, Palmyra, VA 22963 and

Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
VSB #85242  
R.A. Hurley, Esquire  
VSB #78616  
William M. Savage, Esquire  
VSB #06335  
Shapiro & Brown, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777 14-242518

more particularly described in the Deed of Trust dated September 9, 2011 and recorded as Deed Book 849, Page 481, among the land records of the said city/county, as:

All that certain lot or parcel of land situated in Fluvanna County Virginia, shown as Lot 130, Phase Five-Tuften, Lake Monticello Subdivision, on plat by Huffman Foster and Associates, dated August 1970, and recorded in the Clerk's Office of the Circuit Court of the aforesaid County in Deed Book 84, pages 152; BEING the same property acquired by deed recorded immediately prior hereto.

5. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The promissory note is either made payable to Creditor or has been duly indorsed. Creditor, directly or through an agent, has possession of the promissory note. Creditor is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

6. Movant is informed and believes and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtors.

7. The Debtors are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 Petition. As of February 14, 2017, the Debtors are due for:

- o 1 post petition monthly payments from October 2015 to October 2015 of \$1,058.38 each which were to be paid directly to Movant;
- o 5 post petition monthly payments from November 2015 to March 2016 of \$1,063.96 each which were to be paid directly to Movant;
- o 5 post petition monthly payments from April 2016 to August 2016 of \$1,056.47 each which were to be paid directly to Movant;
- o 6 post petition monthly payments from September 2016 to February 2017 of \$1,059.15 each which were to be paid directly to Movant;
- o Suspense Balance of -\$315.42
- o Total of \$17,700.01

8. The unpaid principal balance on the said note is \$160,766.92.

9. Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

10. Continuation of the automatic stay of 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362 due to the aforementioned facts.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, that the 14 day waiting period imposed by F.R.B.P. 4001(a)(3) be waived in this instant bankruptcy proceeding only, and for such other relief as the court may deem meet and proper.

Dated: March 2, 2017

Shapiro & Brown, LLP  
Attorneys for Movant

By: /s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
VSB #71314  
Gregory N. Britto, Esquire  
VSB #23476  
Daniel Eisenhauer, Esquire  
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Certificate of Service

I certify that I have this 2<sup>nd</sup> day of March, 2017, electronically transmitted and/or mailed by first class mail, postage pre-paid, true copies of the Motion For Relief From Stay to the following:

Douglas E. Little  
Post Office Box 254  
Charlottesville, VA 22902

Herbert L Beskin(82)  
PO Box 2103  
Charlottesville, VA 22902

Phillip S. Snoddy  
583 JEFFERSON DRIVE  
Palmyra, VA 22963

Rachel E. Snoddy  
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/s/ R.A. Hurley  
Lindsey C. Kelly, Esquire  
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NOTICE IS HEREBY GIVEN THAT:

A hearing upon the captioned motion will be held at **9:30 AM, on April 13, 2017**, at the  
following location:

United States Bankruptcy Court  
255 West Main Street  
Charlottesville, VA 22902

I certify that I have this 2<sup>nd</sup> day of March, 2017, electronically transmitted and/or mailed  
by first class mail, postage pre-paid, a true copy of the foregoing Notice to the following:

Douglas E. Little  
Post Office Box 254  
Charlottesville, VA 22902

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PO Box 2103  
Charlottesville, VA 22902

Phillip S. Snoddy  
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/s/ R.A. Hurley

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